IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 8787 of 2005

Between:

A.Bala Peer, s/o Bakkanna,
c/o Wardan Sherif, H.No.46-261, Peerlagutta, Wanaparthy, Mahabubnagar District.

..... PETITIONER

AND

1. The Regional Manager, APSRTC, Mahaboobnagar Region,

   Mahaboobnagar District.
2 The Divisional Manager, APSRTC, Mahaboobnagar Division,

   Mahaboobnagar District

3 The Depot Manager, APSRTC, Narayanpet Bus Depot,

   Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent in issuing the proceedings No.02/95(10)/96-NRPT, dated 18-04-1996 as illegal, arbitrary and unjust and consequently set aside the proceedings No.02/95(10)/96-NRPT, dated 18-04-1996 issued by the 3rd respondent and pass such further other order or orders as this Hon'ble Court may deem fit and proper under the circumstances of the case.

Counsel for the Petitioner : Mr.G.RAVI MOHAN

Counsel for the Respondents : MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following :

ORDER:

Seeking to declare the action of the 3rd respondent in passing the final order dated 18-04-1996 as illegal and arbitrary, the present writ petition is filed.

2. The petitioner is working as a Conductor in the respondent Corporation. He was charged on 14-02-1996, for certain cash and ticket irregularities in discharging his duties. He submitted his explanation on 25-02-1996, but the 3rd respondent without considering his explanation, passed final order on 18-04-1996 without conducting any enquiry by imposing a penalty of deferment of annual increment for a period of two (2) years, which shall have effect on his future increments. Hence, the petitioner filed this writ petition.

3. The grievance of the petitioner is that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to him. Therefore, he approached this Court through this writ petition to declare that the action of the 3rd respondent as illegal and to direct the respondents to add the deferred increments.

4. It is well settled that denial of increments with cumulative effect tantamount to a major penalty such penalty cannot be imposed by the disciplinary authority, without holding a regular departmental enquiry in terms of relevant service regulations.

5. Having regard to the facts and circumstances of the case, the punishment of major penalty of deferment of annual increment for a period of two years with cumulative effect, imposed by the 3rd respondent, can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of annual increment for a period of two years without cumulative effect. The petitioner is not entitled for the difference of the amount, if any, by virtue of this Order, but he is entitled to get the increment on notional calculation from the date of this order to which he is entitled.

6. The writ petition is accordingly disposed of. No costs.

K.C.BHANU, J.

Dated: 20-04-2005.

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To:

1. The Regional Manager, APSRTC, Mahaboobnagar Region, Mahaboobnagar District.
2. The Divisional Manager, APSRTC, Mahaboobnagar Division, Mahaboobnagar District.
3. The Depot Manager, APSRTC, Narayanpet Bus Depot, Mahaboobnagar District.

4. Two C.D. Copies.